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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
NGUYEN BA, HOANG VU A	
ART UNIT	**PAPER NUMBER**
2192	

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/034,220	GARRETT ET AL.	
	Examiner	Art Unit	
	Hoang-Vu A. Nguyen-Ba	2192	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *RCE and Amendment filed 9/14/05*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-26 and 31-34* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-26 and 31-34* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 14, 2005 has been entered.

2. Claims 1-26 and 31-34 are pending. Claims 1, 5, 9, 18, 21 and 31 are independent claims.

Response to Amendments

3. Per Applicants' request, Claims 1, 3, 5-9 and 21 have been amended. Claims 27-30 were previously canceled.

Response to Arguments

4. Applicant's arguments filed September 14, 2005 have been fully considered but they are not persuasive. Following is an examiner's response to Applicants' arguments.

A. Claim 1

Applicants' first argument:

> Applicants submit one cannot "identify a **single** BIOS routine" with the BIOS version and date. Rhetorically, how could a BIOS version and date uniquely identify a single BIOS routine on BIOS containing a plurality of different BIOS routines? For this reason alone, claim 1 should be allowed.

Examiner's response:

First, a plurality of BIOS routines is not specifically recited in the body of Claim 1.

Second, if the BIOS contains only one routine as required by Claim 1, then a version number and/or a date could be used to uniquely identify the BIOS routine since there is only one routine in the BIOS.

Applicants' second argument:

The second method mentioned to determine whether a routine is supported is to read the BIOS version and date, "and [to] compare the information to determine whether the BIOS **supports** the BIOS routine desired." (Specification Paragraph [0007] (emphasis added)). Again, the services number is known, and the determination is whether that BIOS routine is supported by the particular BIOS. Such a determination, however, is not "determining ... a services number of the BIOS routine ..."

Examiner's response:

The third limitation of Claim 1 recites "determining, ..., a services number of the BIOS routine based on the unique identification number from the data table."

The examiner interprets the services number to be equivalent to an index in a database, which index is associated with a record (the record being the BIOS routine's unique identification number comprising version number and a date). In view of this interpretation, the limitation now reads "determining a services number from the data table." Determining (or reading or querying or extracting) the services number will provide the operating system with an index which will be

used to search for the associated record in the BIOS information table. The BIOS routine is determined to be supported if the associated record is found as a result of this search.

B. Claim 5

Applicants' arguments:

Applicants essentially argue that the Background section does not teach or suggest correlating "a unique identification number for a single BIOS routine to a BIOS call services number."

Examiner's response:

The examiner interprets the claimed "data table," "unique identification number," "services number" and the "correlation" to be anticipated, respectively, by the BIOS information table, version number and date, services number and the determining step described in the Background section. See also the examiner's response to Applicants' second argument regarding Claim 1.

C. Claim 18

Applicants' arguments:

Applicants submit that Applicants' Background section and Hopmann are not properly considered together. There is certainly no teaching or suggestion in Applicants' Background section to use a globally unique identifier of Hopmann for BIOS routines, and the Office action fails to cite any portion of Hopmann that suggests why identifying

a network **resource** has any applicability to BIOS routines, which is inherently an in-system resource.

Examiner's response:

The examiner respectfully disagrees with Applicants' assertion that Applicants' Background and Hopmann are not properly considered because of the above-mentioned reasons by Applicants. In response to Applicants' arguments, the examiner respectfully directs Applicants' attention to 2:59-64 of Hopmann where it is shown that Hopmann teaches an index which allows a resource to be identified uniquely across a collection in a database at a server, across a database at the server, across the entire server, or across all servers in the network. According to these teachings, a network resource could also be the claimed BIOS routine for use in a client computer system.

D. Claim 31

Applicants' arguments:

Applicants essentially argue that Chou fails to teach, suggest, or imply the structure claimed in Claim 31. According to Applicants, Chou's FIG. 3 certainly does not teach, suggest, or imply "a means for storing unique identification numbers of BIOS routines correlated to BIOS call service numbers for the BIOS routines."

Examiner's response:

The examiner notes that the claim language of Claim 31 invokes the sixth paragraph of 35 U.S.C. § 112:

> An element in a claim for a combination may be expressed as a means or step for performing a specified function without the recital of structure, material, or acts in support thereof, and such claim shall be construed to cover the corresponding structure, material, or acts described in the specification and equivalent thereof.

However, the examiner respectfully notes that the corresponding structure, material, or acts in support of the functions recited in the claim 31 are not readily found described in the specification (except in Claim 27 which has previously been canceled). Without the corresponding structure, material, or acts and equivalent thereof being described in the specification, the Examiner interprets these means-plus-function limitations by giving them the broadest reasonable interpretation consistent with the supporting description for art rejection purposes. In view of this interpretation, Claim 31 and the claims depending therefrom appear to read on Chou' teachings in FIG. 3.

In view of the foregoing discussion, Claims 1-8, 18-20 and 31-34 stand rejected under 35 U.S.C. § 102(a)(b) and 103(a).

Claim Rejections – 35 U.S.C. § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 9-17 and 21-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In Claims 9 and 21, the limitation "the first globally unique identification number is based, at least in part, on one or more of a random number ... generating the globally unique identification number" is vague and unclear. Is Applicant's invention about calculating (or generating) a GUID from a random number or about the fact that a random number itself is used as the GUID?

Claims 10-17 and 22-26, which depend respectively from Claims 9 and 21 are also rejected for the same reasons.

7. The following is a quotation of the sixth paragraph of 35 U.S.C. § 112:

> An element in a claim for a combination may be expressed as a means or step for performing a specified function without the recital of structure, material, or acts in support thereof, and such claim shall be construed to cover the corresponding structure, material, or acts described in the specification and equivalent thereof.

8. Claims 31-34 recite the following means-plus-function limitations:

means for executing software programs);

means for storing data and programs coupled to the means for executing;

means for storing basic input/output system (BIOS) routines coupled to the means for executing;

means for storing unique identification numbers of BIOS routines ...

However, the corresponding structure, material, or acts in support of the functions recited in the claims are not readily found described in the specification. Without the corresponding structure, material, or acts and equivalent thereof being described in the specification, the Examiner will construe these means-plus-function limitations with a broadest reasonable interpretation consistent with the supporting description for art rejection purposes.

Claim Rejections – 35 U.S.C. § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-2 and 5-8 are rejected under 35 U.S.C. § 102(a) as being anticipated by the admitted prior art (APA) of pages 1-3 of applicants' background.

Claim 1

APA discloses at least:

identifying a single BIOS routine with a unique identification number (see at least p.2, section [0005]);

correlating the unique identification number to at least a services number in a data table (see at least section [0007]); and

determining, by a BIOS calling program, a services number of the BIOS routine based on the unique identification number from the data table (see at least p. 3, section [0007]).

Claim 2

The rejection of base claims 1 and 21 are incorporated. APA further discloses *wherein determining a services number of the BIOS routine based on the unique identification number from the data table further comprises accessing the data table by the BIOS calling program based on the unique identification number to determine a services number associated with the unique identification number* (see at least p. 3, section [0007]).

Claim 5

APA does not specifically disclose:

a central processing unit (CPU) ;

a main memory array coupled to the CPU.

However, these items are deemed inherent to APA as discussed in sections [0004-0005] of Applicants' background of the invention. Without this basic setup, the method of calling the BIOS routines would be inoperative.

APA further discloses:

a basic input/output system (BIOS) read only memory (ROM) coupled to the CPU (see at least sections [0004-0005]);

a data table stored within the BIOS ROM, and wherein the data table correlates a unique identification number for a single BIOS routine to a BIOS call services number for the single BIOS routine (see at least section [0007]).

Claims 6 and 8

The rejection of base claim 5 is incorporated. Since claims 6 and 8 recite the same feature of claim 3, the same rejection is thus applied.

Claim 7

The rejection of base claim 5 is incorporated. APA further discloses:

a driver program executed by the CPU, the driver program adapted to execute BIOS routines (see at least section [0004]); and

wherein the driver program accesses the data table to determine a BIOS call service number for the single BIOS routine based on the unique identification number (see at least sections [0004-0005]).

11. Claims 31 and 33 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,892,906 to Chou et al. ("Chou").

Claim 31

Chou discloses at least:

a means for executing software programs (see at least Figure 1, items 10, 14 and related discussion in the specification);

a means for storing data and programs coupled to the means for executing (see at least Figure 1, items 17 and hard disk memory which is part of standard equipment of a computer, see 10; 3:47);

a means for storing basic input/ output system (BIOS) routines coupled to the means for executing (see at least Figure 1, item 15 and related discussion in the specification); and

a means for storing unique identification numbers of BIOS routines correlated to BIOS call service numbers for the BIOS routines, the means for storing unique identification numbers associated with the means for storing BIOS routines (see at least 3:52 to 4:27; 4:42-58).

Claim 33

Chou further discloses:

a means for calling BIOS routines, the means for calling executed by the means for executing (see at least 4:6-19); and

wherein the means for calling further accesses the means for storing unique identification numbers to determine a BIOS call service numbers for BIOS routines based on the unique identification numbers (see at least 4:6-19).

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

13. Claims 3-4 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over APA in view of U.S. Patent No. 6,578,069 to Hopmann et al. ("Hopmann").

Claim 3

The rejection of base claim 1 is incorporated. APA does not specifically disclose *wherein identifying the single BIOS routine with a unique identification number further comprises identifying BIOS routines with a Globally Unique Identifier (GUID) 128 bits in length.* However, Hopmann discloses a method for generating a GUID (see at least Figure 3

and related discussion in the specification) for the purpose of ensuring a unique ID across an entire network. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use Hopmann's method of generating GUIDs in combination with APA teachings for the purpose discussed above.

Claim 4

Rejections of base claim 1 and intervening claim 3 are incorporated. APA further discloses *wherein determining a services number of the BIOS routine based on the unique identification number from the data table further comprises accessing the data table by the BIOS calling program based on the* unique *number to determine a services number associated with the* unique number (see at least p. 3, section [0007]). APA does not specifically disclose a *GUID.* However, Hopmann discloses a method for generating a GUID (see at least Figure 3 and related discussion in the specification) for the purpose of ensuring a unique ID across an entire network. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use Hopmann's method of generating GUIDs in combination with APA teachings for the purpose discussed above.

Claim 18

APA discloses at least:

a set of BIOS routines stored on the BIOS ROM, each BIOS routine invoked by a service number (see at least p. 2, section[0004]).

APA does not specifically disclose:

a correlation table stored on the BIOS ROM, the correlation table correlates a Globally Unique Identifier (GUID) to a service number for at least one BIOS routine.

However, Hopmann discloses a data structure that provides a unique identifier of a resource (2:48-50) for the purpose of allowing the resource to be uniquely identified across a network (2:61-64). It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use Hopmann's data structure in combination with APA teachings for the purpose discussed above.

Claim 19

The rejection of base claim 18 is incorporated. APA does not specifically disclose *wherein the GUID is a number generated based in part on a substantially globally unique random number.* However, Hopmann discloses a method for generating a GUID (see at least Figure 3 and related discussion in the specification) for the purpose of ensuring a unique ID across an entire network. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use Hopmann's method of generating GUIDs in combination with APA teachings for the purpose discussed above.

Claim 20

Rejections of base claim 18 and intervening claim 19 are incorporated. Since claim 20 recites the same feature of claim 3, the same rejection is applied.

14. Claims 32 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chou, as applied to base claim 31 in view of U.S. Patent No. 6,578,069 to Hopmann et al. ("Hopmann").

Claims 32 and 34

Chou does not specifically disclose *wherein the unique identification numbers of the BIOS routines further comprise Globally Unique Identification (GUID) numbers about 128 digits in length.* However, Hopmann discloses a method for generating a GUID (see at least Figure 3 and related discussion in the specification) for the purpose of ensuring a unique ID across an entire network. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use Hopmann's method of generating GUIDs in combination with Chou teachings for the purpose discussed above.

Allowable Subject Matter

15. The following is a statement of reasons for the indication of allowable subject matter.

APA teaches identifying BIOS routine with unique identifier, maintaining within a computer system a data table that lists unique identification numbers for available routines and determining the availability of a BIOS routine by searching the data table based on unique identification number wherein the presence of the identification number indicates the availability of the BIOS routine in the computer system. APA does not teach a globally unique identification number as required by independent Claim 9.

However, Hopmann et al. teaches a resource (e.g., BIOS routine) unique identifier (UID) that is global because this UID allows the resource to be identified uniquely across a collection in a database at a server, across a database at the server, across the entire server. or across all servers in the network (Hopmann, 2:59-64).

APA and Hopmann, taken individually or in combination, however fail to teach that the global UID (GUID) is **generated from** (as opposed to merely "based on") a random number.

Claims 9 and 21 are objected to because the limitation "the first globally unique identification number is based, at least in part, on one or more of a random number ... generating the globally unique identification number" is found still vague and unclear. Is Applicant's invention about calculating (or generating) a GUID from a random number or about the fact that a random number is used as the GUID?

However, Claims 9 and 21 would be allowable if rewritten to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Conclusion

16. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Hoang-Vu A. Nguyen-Ba whose telephone number is (571) 272-3701. The Examiner can normally be reached on the following days of a bi-week: Monday-Thursday (first week) and Tuesday-Friday (second week) from 7:15 – 17:45.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Tuan Dam can be reached at (571) 272-3695.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ANTONY NGUYEN-BA
PRIMARY EXAMINER
Art Unit 2192
October 15, 2005